



301 W. Main St.
Town Hall
Carrboro, NC 27510

Town of Carrboro

Meeting Minutes

Town Council

March 16, 2021

7:00 PM

Remote Meeting

This meeting was held via Zoom teleconference and broadcasted live on cable television and the internet.

Present: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

Also Present: David Andrews, Town Manager; Cathy Dorando, Town Clerk; Nick Herman, Town Attorney

POETRY READING

Fred Joiner, the Town's Poet Laureate, read a poem by Lucille Clifton called, "Layered."

PROCLAMATION – GIRL SCOUT WEEK

Mayor Lavelle proclaimed the week of March 7-13 as "Girl Scout Week" in the Town of Carrboro.

RESOLUTION – EARTH HOUR

A motion was made by Council Member Haven-O'Donnell, seconded by Council Member Slade, to approve the following resolution:

A RESOLUTION FOR PARTICIPATION IN EARTH HOUR ON MARCH 27th, 2021

WHEREAS, 8:30 P.M. on March 27th, 2021 has been designated as “Earth Hour” by the World Wildlife Fund as a reminder that, through collective action, individuals can make a positive impact in the fight against climate change; and

WHEREAS, Earth Hour 2021 aims to create a spotlight moment which will put nature at the center of international conversation; and

WHEREAS, cities and states across the country and around the world are joining with Carrboro to demonstrate a commitment to addressing climate change by supporting Earth Hour; and

WHEREAS, according to the World Wildlife Fund, 190 countries and territories and over 100 iconic buildings switched off their lights in support of conservation and climate action in 2020, making Earth Hour one of the largest grassroots environmental movements in the world; and

WHEREAS, Earth Hour involves a simple action—turning off lights for one hour; and

WHEREAS, this year, the World Wildlife Fund recognizes the exceptional circumstances that have arisen around the world with the outbreak of COVID-19; and

WHEREAS, in light of the current situation, the Earth Hour global organizing team is coordinating a virtual lights-off and is asking all individuals to take part digitally when possible and to wear a mask and follow local guidelines if planning to be in a public space; and

WHEREAS, Carrboro has recognized Earth Hour for the past 10 years, joined Cities for Climate Protection, and is committed to reducing greenhouse emissions; and

WHEREAS, the Town Council adopted a climate protection resolution in December 2009, accepted the Energy and Climate Protection Plan in 2014, and accepted the Community Climate Action Plan in 2017; and

NOW THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Town Council hereby proclaims, March 27th, 2021 from 8:30–9:30 P.M. as “Earth Hour” in Carrboro and calls upon all residents and businesses of Carrboro to join in supporting the aims and goals of this effort.

BE IT FURTHER RESOLVED that the Carrboro Town Council directs staff to send out a public service announcement to publicize Earth Hour.

This 16th day of March 2021

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O’Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

CANCELLATION OF MARCH 23, 2021 MEETING

MOTION WAS MADE BY COUNCIL MEMBER HAVEN-O'DONNELL, SECONDED BY COUNCIL MEMBER FOUSHEE, TO CANCEL THE MARCH 23, 2021 TOWN COUNCIL MEETING. VOTE: AFFIRMATIVE ALL

APPROVAL OF PREVIOUS MEETING MINUTES

The minutes were tabled until a future meeting.

REQUEST FOR CUP PERMIT EXTENSION FOR 300 EAST MAIN

The Town Council was asked to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for the 300 East Main CUP.

A motion was made by Council Member Seils, seconded by Council Member Haven-O'Donnell, to approve the following resolution:

A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR 300 EAST MAIN CUP

WHEREAS, the Carrboro Town Council approved a Conditional Use Permit for the 300 East Main project on September 30, 2008; and

WHEREAS, the Carrboro Town Council last granted a CUP Minor Modification on April 9, 2019, thereby extending the permit to April 9, 2021; and

WHEREAS, the Town Council finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application; and

WHEREAS, the permit recipient has expressed willingness to act on the following 5 items during the permit extension period: 1) inspect all bike racks and be sure they are sturdily installed with adequate mulch, paving, or gravel to keep them out of the mud; 2) continue to use inverted-U bike racks (or other preferred rack styles, as described in the LUO) for all new bike rack installations and replacements; 3) evaluate (in consultation with the Town and NCDOT) possible locations for installing bike racks in the public right-of-way on East Main Street; 4) evaluate costs and possible locations for electric vehicle charging stations and discuss funding possibilities with the Town; and 5) evaluate the feasibility of solar panel installation on the parking deck roof and discuss potential funding sources with the Town; and

WHEREAS, the Town Council reiterated its interest in the completion of an improved path providing pedestrian-bicycle access into the project from the Libba Cotten Bikeway at the southwest corner of the site;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the permit is extended, with a new expiration date for the 300 East Main CUP of October 9, 2021.

This the 16th day of March, 2021

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

FIRE DEPARTMENT MONTHLY REPORT

The purpose of this item was to provide the Town Council a monthly overview of calls for service.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

POLICE DEPARTMENT MONTHLY REPORT

The purpose of this item was to provide Town Council with a brief overview of the monthly calls for service.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

STORMWATER UTILITY MONTHLY REPORT

The purpose of this agenda item was to provide the monthly update regarding Stormwater Utility projects and initiatives.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

ECONOMIC DEVELOPMENT MONTHLY REPORT

The purpose of this item was to provide the regular monthly activities and status report for the Economic Development Department.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, TO ACCEPT THE REPORT. VOTE: AFFIRMATIVE ALL

REQUEST TO ISSUE PERMIT FOR THE SLADESIGN FASHION SHOW 2021: ROOTS

The purpose of this agenda item was to consider a Street Closing Permit Application submitted by Independent Artist Marcela Slade/Orange County Arts Commission for the sladesign Fashion Show 2021 "Roots."

A motion was made by Council Member Foushee, seconded by Council Member Haven-O'Donnell, to approve the following resolution:

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING OF THE FOLLOWING STREETS TO ACCOMMODATE THE SLADESIGN FASHION SHOW: ROOTS

Section 1. Portion of Old Pittsboro Road, identified in Section a. below, shall be temporarily closed to vehicle traffic on Friday, April 9, 2021 from 6:00 PM to 9:00PM to accommodate the sladesign Fashion Show: ROOTS. This event is to be held in accordance with the permit issued by the Town Council pursuant to Article III of Chapter 7 of the Town Code. a. Portion of Old Pittsboro Road to be closed as depicted in the agenda item and map attachment.

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 5. Applicant shall post signs at the intersections of Old Pittsboro Road and South Greensboro Streets and Daffodil Lane and Old Pittsboro Road, 5-7 days before the event, to notify the public about the upcoming event.

Section 6. Applicant will be responsible for all costs incurred by Police, Fire, and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police, Fire, and Public Works.

Section 7. This resolution shall become effective upon adoption

This the 16th day of March, 2021

Ayes: Mayor Lydia Lavelle, Council Member Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O'Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE ARTSCENTER AT 315 JONES FERRY ROAD

The purpose of this item was for the Town Council to consider the Conditional Use Permit application for the ArtsCenter at 315 Jones Ferry Road.

Dan Jewell, representing the applicant, stated that they have no objection to the Town Council receiving additional information post the closing of the public hearing during the last meeting.

Also present and representing the applicant were Dan Meyer, Ken Reiter, Edwin Harris, Billy Askey, Preston Royster, and Jeremy Anderson.

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER GIST, THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER SEILS, THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, NOES ONE (SLADE)

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER SEILS, THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

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| <ol style="list-style-type: none">1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Council, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance. |
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2.	If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3.	That the Town Council finds that 41 parking spaces are sufficient to serve The ArtsCenter project. This finding is based on information provided by the applicant regarding the alternative modes of transportation to get to and from The ArtsCenter. Compact parking spaces shall be maximized in order to accomplish this number of parking spaces on the site.
4.	That NCDOT must issue a driveway permit for the project prior to approval of the construction plans.
5.	That the applicant shall provide to the Zoning Division, prior to the issuance of the Certificate of Occupancy for the building, digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF or PDF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF or PDF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in the map and in a data table. The data will be tied to horizontal controls.
6.	That the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater control measure in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town engineer and Stormwater Utility Manager for approval prior to construction plan approval. Upon approval, the plans shall be included in the owner's association documentation.
7.	That per LUO Section 15-92.1 the town shall receive reasonable assurances from NCDEQ staff about approval or no action required by NCDEQ that permissions from them are not required related to encroachment into the Zone 1 stream buffer or such approval shall be granted by EMC, prior to approval of the construction plans.
8.	That Council hereby finds acceptable the deviations from subsections 1, 2, 4, and 6 of LUO Section 15-178, Architectural Standards for Downtown Development, in accordance with the building elevations presented during the public hearing.
9.	Based on testimony from the applicant that additional stormwater control measures for the project are financially prohibitive, Town Council finds that the applicant has complied with the stormwater volume provisions of LUO Section 15-263(g)(3) to the maximum extent practicable by incorporating approximately 2,400 square feet of permeable pavement into the parking lot of the proposed project as shown in the attached exhibit (see Attachment D), provided that an acceptable infiltration rate can be obtained in the existing (or native) underlying soils below the permeable pavement system..
10.	That the developer commits to confer with nearby residential neighbors about their concerns. Meetings will include town staff and at least one member of Town Council. At a minimum, the applicant must hold one community meeting with neighbors during construction plan review and the development of a construction management plan for the project, one community meeting during the construction phase of the project, and one post-construction community meeting, approximately six months after receiving a certificate of occupancy. Matters to be discussed shall include but not be limited to whether pedestrian connectivity should continue to be available on the southside of the site or whether a fence or vegetative screen should be incorporated into the construction plans for the project, addressing security concerns of the neighbors, and preventing excess parking from occurring on Prince Street. The applicant shall provide to the town records of the community meetings and discussions with neighbors, along with demographic information and zipcodes of the participants, demonstrating to the Town Manager's satisfaction that all issues have been fully discussed before the construction management plan is approved.
11.	That the construction management plan for the project will make clear that all aspects of construction shall be kept entirely outside of the adjacent residential neighborhood. The construction management plan cannot be approved by the Town Manager unless this matter is addressed along with the community engagement details of condition number 8.

12. That the applicant agrees to increase the total number of bicycle parking spaces to a minimum of sixteen. A minimum of half of the spaces shall be covered and located near the front entry. These spaces must be included on the construction plans for the project.
13. That the developer shall continue to explore satellite parking options for employees in order to minimize potential off-site impacts associated with parking for events at The ArtsCenter, and shall implement a plan to mitigate overflow parking when and if it does occur.
14. That the applicant agrees to apply for a grant from the Orange County Climate Action Grant Program and / or agrees to investigate and consider solar leasing. The applicant further agrees at a minimum to make the building solar ready by including conduit pathways and other necessary infrastructure into the building design.
15. That the applicant agrees to keep bicyclists in mind if any changes to Jones Ferry Road, such as but not limited to the design of the entrance driveway's curve radii. These details must be discussed with NCDOT before the driveway permit for the project is issued.
16. That the applicant agrees to provide an additional five feet of right of way on the portion of the site with five foot sidewalks, and to widen the entirety of the sidewalk to 10 feet. This additional right of way shall be shown on the construction plans and all additional right of way dedicated to NCDOT shall be formalized by way of recording a plat with Orange County's Register of Deeds.
17. That the applicant agrees to further explore with NCDOT incorporating a crossing location / crosswalk on Jones Ferry Road.
18. That the applicant agrees to continue working with Chapel Hill Transit during review of the construction plans to incorporate a bus stop proximate to the site, possibly with artistic treatment.
19. That the applicant agrees to make every effort possible to protect the 42 inch oak tree on the site located near the edge of the stream bank within the stream buffer area. These efforts shall include but not be limited to discussing the matter with the same person that advised the town regarding the oak trees located in the parking lot located on the west side of North Greensboro Street across from the Carrboro Century Center.
20. That the applicant agrees during construction plan review to further explore using electric instead of natural gas in order to meet the Town's climate protection goals.
21. That the applicant agrees to continue outreach and coordination efforts with the surrounding neighborhoods with regard to programming in order to serve their neighbors, including offering discounted or preferred access to programming and services, with emphasis on lower-income residents.
22. That prior to construction plan approval the applicant agrees to submit written documentation from NCDEQ and USACE about the need for and potentially receipt of a 401/404 certification/permit related to the grading plan and stream channel disturbance.
23. That the applicant agrees to provide electrical outlet receptacles for charging stations for electronic bikes proximate to the bike rack located near the primary entrance to the building.
24. That the applicant agrees to provide electrical vehicle charging station infrastructure in order for three parking spaces to be electrical vehicle charging ready.

VOTE: AFFIRMATIVE SIX, NOES ONE (SLADE)

MOTION WAS MADE BY COUNCIL MEMBER FOUSHEE, SECONDED BY COUNCIL MEMBER GIST, THAT THE APPLICATION IS GRANTED SUBJECT TO THE AGREED UPON CONDITIONS ABOVE. VOTE: AFFIRMATIVE SIX, NOES ONE (SLADE)

EXCUSAL OF MAYOR LAVELLE FROM THE REMAINDER OF THE MEETING

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL TO EXCUSE MAYOR LAVELLE FROM THE REMAINDER OF THE MEETING. VOTE: AFFIRMATIVE ALL

WESTWOOD CEMETERY DRAFT REPORT

The purpose of this agenda item was to provide the Town Council with information the Westwood Cemetery Draft Report from the consultant.

Ben Schmadeke provided the staff report.

Peter Fernandez, with Carter VanDyke, provided the consultant's presentation.

MOTION WAS MADE BY COUNCIL MEMBER GIST, SECONDED BY COUNCIL MEMBER HAVEN-O'DONNELL, FOR THIS ITEM TO BE BROUGHT BACK TO COUNCIL WITH INFORMATION RELATED TO GRAVE PRICING AND A SLIDING SCALE TO MAKE SURE THEY ARE PRICED EQUITABLY. VOTE: AFFIRMATIVE ALL

TRANSPORTATION PROJECTS UPDATE

The purpose of this item was to provide the Town Council with information about the status of various transportation projects around Town.

This was delayed to a future meeting.

INFORMATION ON TEXT AMENDMENTS REQUIRED AS PART OF G.S. CHAPTER 160D, PART 3

The purpose of this item was to provide the Town Council with the third installment of draft text amendments to the Land Use Ordinance required by the adoption of G.S. Chapter 160D.

This was delayed to a future meeting.

APPOINTMENTS TO THE AFFORDABLE HOUSING ADVISORY COMMISSION

A tally vote was conducted via email from each Council Member to the Town Clerk with no

other Council Members copied. These were the results:

Amy Singleton – (Lavelle, Slade, Gist, Seils, Haven-O’Donnell, Romaine, Foushee)
Ben Gear (Lavelle, Gist, Seils, Haven-O’Donnell, Romaine, Foushee)
Heather Nash (Lavelle, Slade, Seils, Haven-O’Donnell, Romaine, Foushee)
James Smith (Gist)

A motion was made by Council Member Seils, seconded by Council Member Romaine, to approve the following resolution:

A RESOLUTION MAKING AN APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMISSION

THE TOWN COUNCIL HEREBY APPOINTS THE FOLLOWING APPLICANT(S) TO THE AFFORDABLE HOUSING ADVISORY COMMISSION:

Appointee	Term Expiration
Benjamin Gear	2/2023
Heather Nash	2/2024
Amy Singleton	2/2024

This 16th day of March 2021

Ayes: Mayor Pro Tem Barbara Foushee, Council Member Jacquelyn Gist, Council Member Randee Haven-O’Donnell, Council Member Susan Romaine, Council Member Damon Seils, Council Member Sammy Slade

Excused: Mayor Lydia Lavelle

CLOSED SESSION

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O’DONNELL, TO ENTER INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(3). VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

OPEN SESSION

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

SETTLEMENT AGREEMENT

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER GIST, TO APPROVE A MEDIATED SETTLEMENT AGREEMENT OF

CARRBORO VS. TIK, LLC 20CVS552. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

After the meeting Council Member Slade notified the Council that the affirmative vote recorded for him was a mistake. Council Member Slade thought he was voting “no,” all other members of the Town Council heard him vote “yes.”

CONTINUATION OF MEETING

MOTION WAS MADE BY COUNCIL MEMBER SEILS, SECONDED BY COUNCIL MEMBER HAVEN-O’DONNELL, TO CONTINUE THE MEETING TO MARCH 31, 2021 AT 6:00 PM. VOTE: AFFIRMATIVE SIX, EXCUSED ONE (LAVELLE)

Town Clerk

Mayor